

Congress of the United States
Washington, DC 20515

September 28, 2021

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW, Suite 4706
Washington, D.C. 20530

Dear Mr. Horowitz,

We thank you for completing a comprehensive audit of the FBI National Instant Criminal Background Check System (NICS) following our July 2019 letter. Firearm background checks are critical to keeping dangerous weapons out of the hands of those who are unauthorized to possess them, and we support the audit's recommendation which will help ensure the eligibility of out-of-state firearm purchasers. We must continue to ensure that background checks are conducted with integrity, and to that end, we write to request more information regarding oversight of firearm transactions in Point of Contact (POC) states.

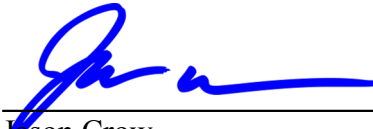
On April 17, 2019, Colorado schools and communities ground to a halt after an 18-year-old Florida woman who was reportedly obsessed with the Columbine High School tragedy obtained a firearm from a Colorado Federal Firearm Licensee (FFL). As you know, federal law prohibits the transfer of firearms to out-of-state individuals who do not meet their state requirements, and the woman was ineligible to purchase the firearm due to Florida's age restrictions. Though the Colorado Bureau of Investigation conducted a background check through the NICS background check, the FFL didn't independently assess the purchaser's eligibility under Florida law. We agree with the audit's recommendation that the FBI update the NICS background check system to verify age eligibility of out-of-state purchasers and hope it will be adopted without delay.

We are concerned, however, by the audit's findings that three full and four partial POC states had failed to apply federal and state denial criteria in their NICS background checks at some point between 2011 and 2019. Consistent and comprehensive background checks are critical for public safety, and there must be accountability when background check standards are not met. We respectfully request additional information on these incidents, including:

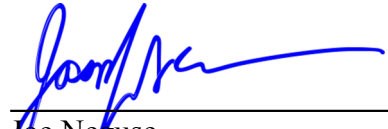
- Providing specific information on the omitted denial criteria;
- Whether the errors were caused by systems or human error;
- The frequency at which errors occurred in each state;
- Corrective actions taken by the FBI to ensure state compliance; and
- Whether POC states remedied the errors.

Thank you for your commitment to this investigation, and your time and consideration of this request.

Sincerely,



Jason Crow
Member of Congress



Joe Neguse
Member of Congress



Diana DeGette
Member of Congress



Ed Perlmutter
Member of Congress